

## PLANNING COMMISSION STAFF REPORT

**CASE NUMBER:** SPC-2015-0143B

**COMMISSION DATE:** 10/27/2015

**ADDRESS:** 202 Nueces Street

**PROJECT NAME:** Block 188

**APPLICANT:** City of Austin (Fred Evins)  
P.O. Box 1088  
Austin, TX 78767 (512) 974-7115

**DEVELOPER:** TC Austin Development Inc.  
100 Congress Ave. Suite 225  
Austin, TX 78701

**CASE MANAGER:** Nikki Hoelter Phone: 974-2863  
[nikki.hoelter@austintexas.gov](mailto:nikki.hoelter@austintexas.gov)

**COUNCIL DISTRICT:** Kathie Tovo – 9

**NEIGHBORHOOD PLAN:** Downtown Plan

**WATERFRONT OVERLAY SUBDISTRICT:** North Shore Central

**LEGAL DESCRIPTION:** Lot 1A Block 188 Thomas C Green Subdivision

**PROJECT DESCRIPTION:**

The applicant is proposing to construct a 33 story building, which will include a hotel, condominiums, restaurant and retail land use. Parking will be provided within a below surface parking garage, in addition sidewalk improvements, utilities and other associated improvements are proposed on .489 acres. Sidewalks will be built to Great Street standards.

**PROJECT REQUEST:**

Staff is requesting approval of the site plan, under LDC Section 25-2-721(A)(1), This subsection provides requirements for review and approval of site plans; *approval of a site plan by the Land Use Commission is required if an applicant request a waiver from a requirement of this part under Section 25-2-713 (Variances).*

**WAIVER WITHIN WATERFRONT OVERLAY:**

LDC Section 25-2-738(E) – States a structure must fit within an envelope delineated by a 70 degree angle starting at a line 45 feet above the property boundary line nearest Town Lake, Shoal Creek, or Waller Creek, with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Town Lake, Shoal Creek or Waller Creek. .

LDC Section 25-2-713(C)(2) *The Land Use Commission* shall grant or deny the variance based on the criteria in Subsection (B) of this section.

(B)(1) The proposed project and variance are consistent with the goals and policies of the Town Lake Corridor Study, including environmental protection, aesthetic enhancement and traffic; and (2) the variance is the minimum required by the peculiarities of the tract.

**STAFF RECOMMENDATION – WATERFRONT OVERLAY WAIVER:**

Staff recommends approval of the waiver from the waterfront overlay, for a structure to encroach in to the 70 degree angle from Shoal Creek, LDC Section 25-2-738(E).

Given the size of lot, location of the project, and the governing ordinances associated with the site and the Green Water Treatment Master Development Agreement, this waiver appears to be the minimum departure from the code requirement. The overall design of the building meets the architectural design, with small portions of the building envelope within the 70 degree angle.

The project is located within the Waterfront Overlay, North Shore Central Subdistrict. The plan complies with all requirements of the overlay and Subdistrict with the exception of this waiver. The waiver requested is the minimum departure from this section of the code. In staff's opinion the developer has made every effort to comply with the Waterfront Overlay code requirements. The design has taken into account the goal of this specific section of code, which is to not create a canyon effect along Shoal Creek, which allows for a better pedestrian experience in an urban setting. Although the design doesn't meet the 70 degree requirement, it does begin at the 45 foot height as required. Although the building doesn't fully fall within the 70 degree angle, there are only small portions of the building within that area, with the building still leaning eastwardly.

Aesthetics have been achieved in complying with the waterfront overlay; such as providing a distinctive building top for the structure, providing underground parking and not using glare producing or mirrored glass as part of the building materials. The outdoor decking was slightly moved to the east as to be outside the primary setback.

The new Central Library, which is currently under construction, located on Cesar Chavez, is also within the North Shore Subdistrict. In 2013, Planning Commission approved the same waiver from the waterfront overlay. The proposed building was proposed to encroach in to the 70 degree angle from Shoal Creek. The Waterfront Planning Advisory Board recommended approval of the waiver on April 9, 2012, with a vote of 6-0.

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the site plan and waiver.

The site plan is required to obtain approval of the site plan by the Planning Commission; because the project requested and received a waiver on June 23, 2015, from a section in the waterfront overlay combining district, the site plan as a whole must now come back through the process for approval.

The site plan would have otherwise been approved administratively.

Given the size of lot, location of the project, and the governing ordinances associated with the site and the Green Water Treatment Master Development Agreement, the project will meet all code requirements. The overall design of the building meets the architectural design of the waterfront overlay requirements.

### **STAFF SUMMARY**

The subject tract, Block 188 is included in a Master Development Agreement, also known as the Green Water Treatment Plant Master Development Agreement. The MDA was approved by City Council, affording a private, public partnership to develop city owned properties. The MDA in some instances may trump current code, to permit dense development, and develop under codes and ordinances in effect when it was originally approved.

With the MDA the City receives a number of benefits, such as the developer contributing a dollar amount to improvements to Shoal Creek, contributing a dollar amount to Art in Public Places, and contributing an amount of money to public music. Additionally, the MDA requires a mix of uses within building, where as this wouldn't be a requirement in the Land Development Code. It also prohibits or restricts certain land uses, such as pawn shops or massage parlor, only to name a few.

The site along with four other tracts of land on the Green Water Treatment property was rezoned in 2008, from P, Public to CBD-CURE, Central Business District/Central Urban Redevelopment District. The zoning change included a less restrictive FAR, floor to area ratio for the properties, from 8:1 to 35:1, allowing greater density and gross floor area.

The design has taken into account the goal of this specific section of code, which is to not create a canyon effect along Shoal Creek, which allows for a better pedestrian experience in an urban setting. Although the design doesn't meet the 70 degree requirement, it does begin at the 45 foot height as required. Although the building doesn't fully fall within the 70 degree angle, there are only small portions of the building within that area, with the building still leaning eastwardly.

Aesthetics have been achieved in complying with the waterfront overlay; such as providing a distinctive building top for the structure, providing underground parking and not using glare producing or mirrored glass as part of the building materials. The outdoor decking was slightly moved to the east as to be outside the primary setback.

The project plans to achieve an Austin Energy Green Building minimum 2 star rating. The development has received approval for a waiver from detention.

### **BOARDS AND COMMISSIONS**

The following board and commission actions were taken on a *land use only site plan*, for this site, case number SPC-2015-0112A, Block 188. This site plan was only for the review and approval of a waiver from Land Development Code Section 25-2-738(E), A structure must fit within an envelope delineated by a 70 degree angle starting at a line 45 feet above the property boundary line nearest Shoal Creek, with the base of the angle

being a horizontal plane extending from the line parallel to and away from the surface of the Shoal Creek. This is the waiver referenced previously in the report.

The site plan (SPC-2015-0112A) did not allow for any construction or improvements to the site. The applicant wanted to ensure the waiver would be approved before moving forward with engineering and construction site plans.

The site plan before the commission currently, SPC-2015-0143B, Block 188, is the construction site plan which now includes all construction elements such as landscaping detail, parking, drainage, water quality, site development regulations, Great Street sidewalk requirements, and utilities.

#### **ACTIONS:**

ENVIRONMENTAL COMMISSION: October 7, 2015 -

DESIGN COMMISSION: September 28, 2015 Recommended approval of the site plan. (9-0)

PLANNING COMMISSION: June 23, 2015 Approved by consent (8-0) (**Waiver only**)

ENVIRONMENTAL BOARD: June 17, 2015 (6-0-1) J. Schissler – abstain – Recommended approval of the request **waiver**, with the condition the development not vary from the exhibit provided by the applicant, Exhibit C. (provided as an attachment)

WATERFRONT PLANNING ADVISORY BOARD: April 13, 2015 (5-0) – Recommended Approval of the **waiver** from LDC Section 25-2-738(E)

#### **PROJECT INFORMATION**

PROJECT INFORMATION			
SITE AREA	17,685 square feet	.489 acres	
EXISTING ZONING	CBD-CURE		
WATERSHED	Town Lake (Urban)		
WATERSHED ORDINANCE	Watershed Protection Ordinance (Urban)		
TRAFFIC IMPACT ANALYSIS	Not required, but conducted with the Seaholm District TIA		
CAPITOL VIEW CORRIDOR	N/A		
PROPOSED ACCESS	Nueces Street and W. 2 <sup>nd</sup> Street		
	Allowed/Required	Existing	Proposed
FLOOR-AREA RATIO	35:1	0	23.7:1
BUILDING COVERAGE	100%	0	19,974 SF/ 90%
IMPERVIOUS COVERAGE	100%	0%	100%
PARKING	184	0	184

#### **EXISTING ZONING AND LAND USES**

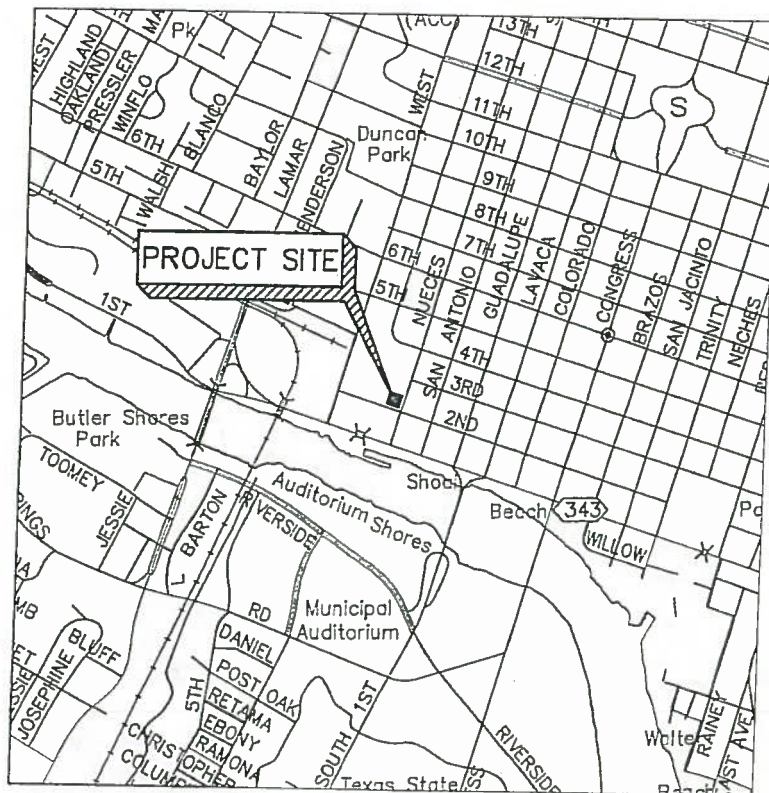
	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CBD-CURE	Vacant
<i>North</i>	CBD	Indoor entertainment (Austin Music Hall)
<i>South</i>	CBD-CURE	Vacant
<i>East</i>	CBD-CURE	Mixed use(Block 1, under construction) –hotel, office, restaurant
<i>West</i>	P, public	Shoal Creek

**ABUTTING STREETS**

<b>Street</b>	<b>Right-of-Way Width</b>	<b>Pavement Width</b>	<b>Classification</b>
W. 2 <sup>nd</sup> Street	80'	60'	Collector
Nueces Street	80'	60'	Collector
Alley to the north		varies	

**NEIGHBORHOOD ORGNIZATIONS:**

511—Austin Neighborhoods Council  
 742—Austin Independent School District  
 786—Home Builders Association of Greater Austin  
 1037—Homeless Neighborhood Assn.  
 1075—League of Bicycling Voters  
 1113—Austin Parks Foundation  
 1200—Super Duper Neighborhood Objectors and Appealers Organization  
 1224—Austin Monorail Project  
 1228—Sierra Club, Austin Regional Group  
 1236—The Real Estate Council of Austin, Inc.  
 998 – West End Austin Alliance  
 1340 – Heritage Tree Foundation  
 1075 – Bike Austin  
 623 – City of Austin Downtown Commission  
 767 – Downtown Austin Neighborhood Coalition  
 57 – Original Austin Neighborhood Association  
 1367 – SEL Texas  
 1004 – Save Townlake Organization

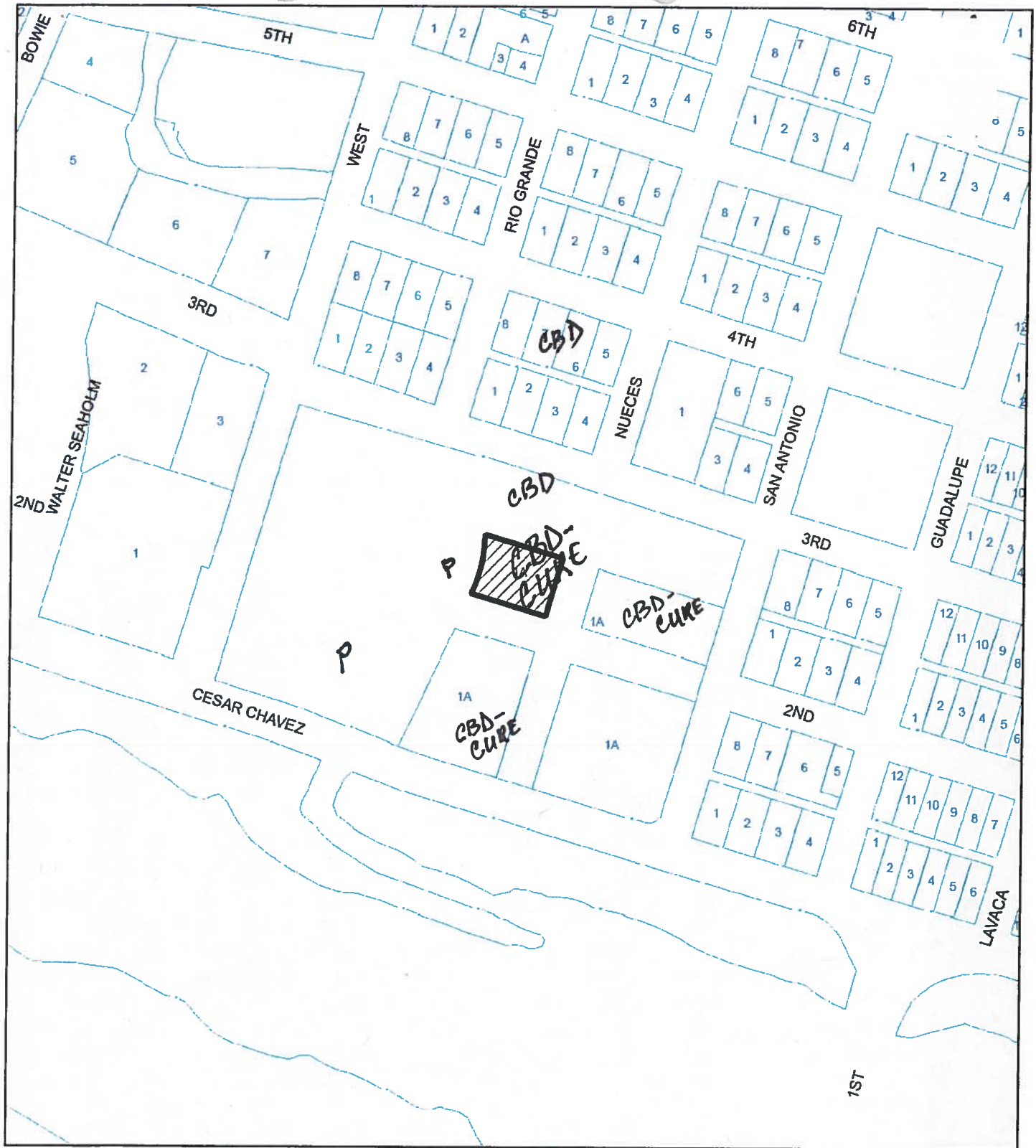


BLOCK 188

## VICINITY MAP

**JC JONES & CARTER, INC.**  
ENGINEERS • PLANNERS • SURVEYORS  
Texas Board of Professional Engineers Registration No. F-439  
1701 Directors Blvd., Suite 400 Austin, Texas 78744 (512) 441-0493

SCALE: 1" = 2000'  
DATE: 3/4/2015  
JOB NO: A648-0004



Subject Tract



Base Map

CASE#: SP-2015-0112A  
ADDRESS: 202 NUECES ST.


















This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

TEMPORARY BENCHMARK FOR THIS SURVEY IS A  
60-D NAIL FOUND IN EXPANSION JOINT OF  
SIDEWALK +/- 28 FEET SOUTHWEST OF THE  
SOUTHWEST CORNER OF LOT 1A, BLOCK 1  
(ELEVATION=452.11) (NAVD 88 DATUM)



	FIRE HYDRANT w/ GATE VALVE
	WATER METER w/ GATE VALVE
	WATER METER w/ MANHOLE
	WATER METER w/ CLEANOUT
	STORM SEWER w/ MANHOLE
	STORM SEWER w/ CATCHMENT BOX
	STORM SEWER w/ CATCHMENT BOX AND MANHOLE
	STORM SEWER w/ CATCHMENT BOX AND MANHOLE WITH INLET
	STORM SEWER w/ CATCHMENT BOX AND MANHOLE WITH INLET AND MANHOLE
	STORM SEWER w/ CATCHMENT BOX AND MANHOLE WITH INLET AND MANHOLE AND INLET
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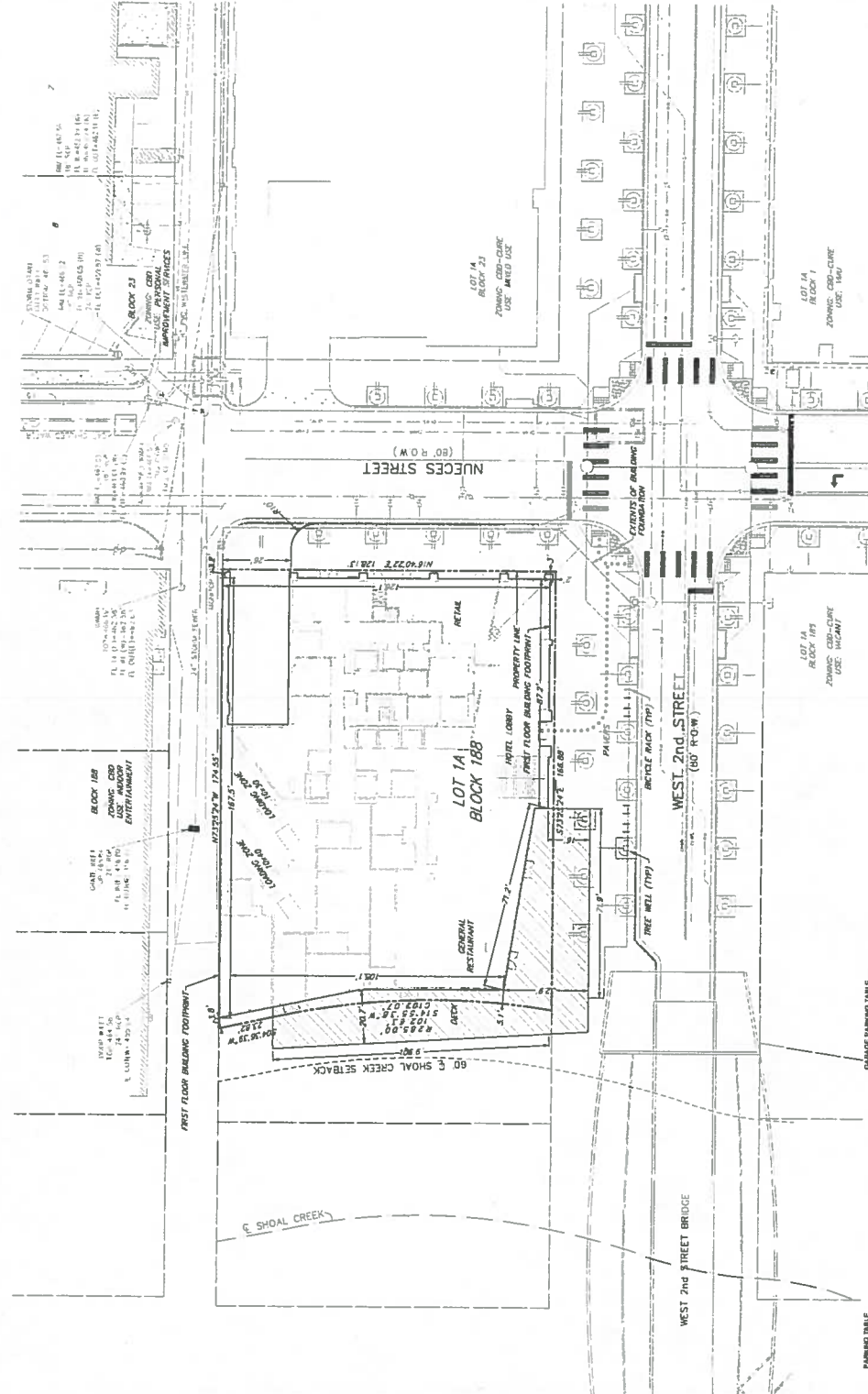
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**JC JONES & CARTER, Inc.**  
ENGINEERS • PLANNERS • SURVEYORS  
Fellow Society of Professional Engineers • Accredited A. E. I. I.  
1981 Directors Bldg. Suite 400 Austin, Texas 78744 (512) 411-9081

DATE: \_\_\_\_\_  
JOB NO. \_\_\_\_\_  
SHEET NO. \_\_\_\_\_

1" = 25' DCK BT. \_\_\_\_\_  
6/4/82 253 DCK BT. \_\_\_\_\_  
4515 0024 100 CIRC NO. \_\_\_\_\_  
SUNV BT. \_\_\_\_\_  
F/B NO. \_\_\_\_\_

SCALE: \_\_\_\_\_



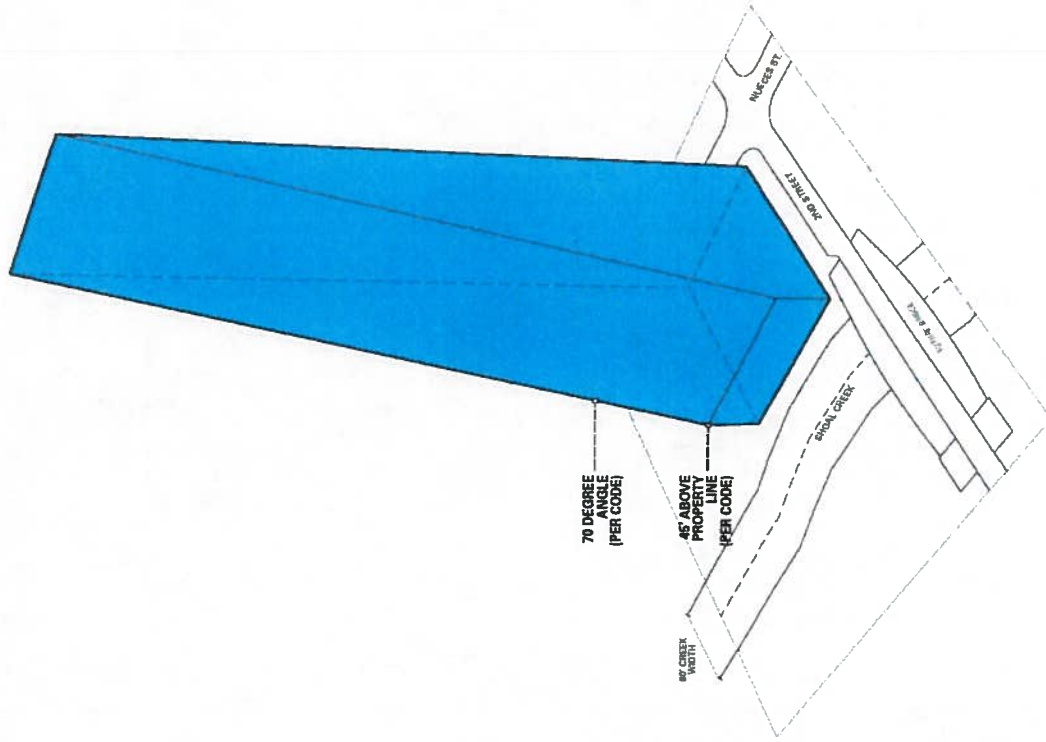
BUILDING TABLE		ALLOWED	PROPOSED
NET AREA (sq')		2,380	2,380
FLOOR COVERAGE (%)		21.50%	21.50%

WOLF'S AREA (15) AND DCA	NA	564618
LOOK TO AND A MATO	35 to 8	21.7 to 1
SP COVERT HAZ IN	100	120
THREATEN	WE HB AND CONC: (LAD)	
FRAGILE OF FLOOR ELEV	NA	464 B
BLINDING HEIGHT	NA	300
WALLS IN CONTACT WITH		

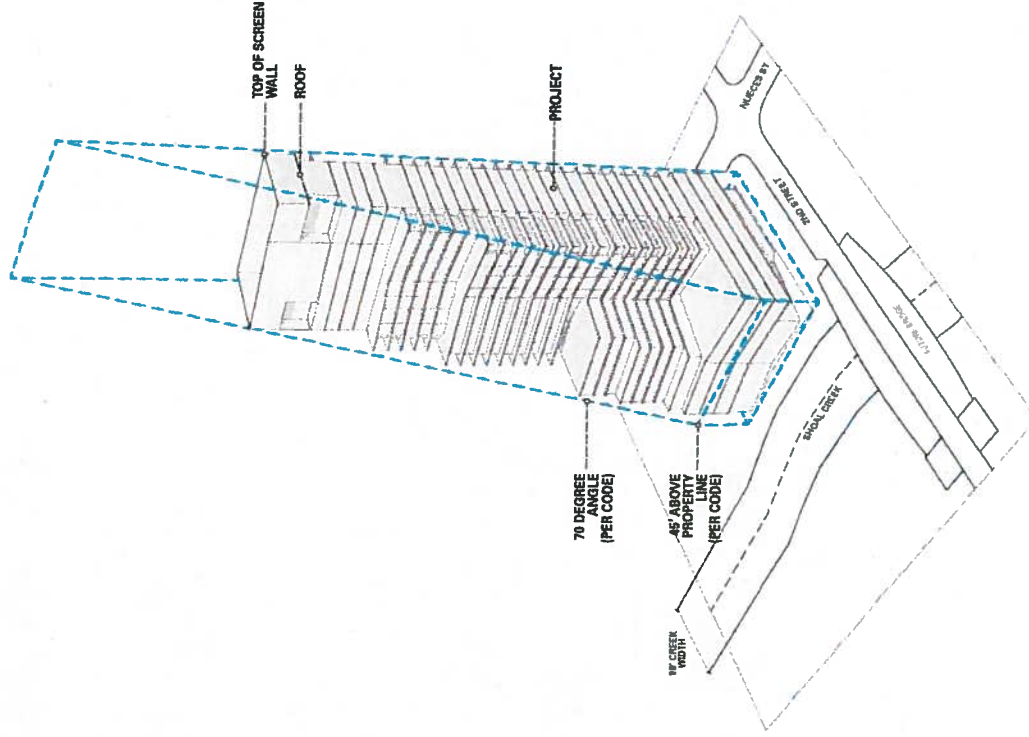
FARMING TABLE				SACAGAYTES		50%	
NAME	FAMILY	LABORS	FLOORS				
BEARDON (12 SPACES)	23	23	12, 27	48			70.6
BEARDON (2 SPACES)	30	30	12, 27	78			48.0
BEARDON (2 SPACES)	2	2	12, 21	83			53.6
BEARDON (2 SPACES)	3	3	32, 33				3.6
TOTAL CONSUMERS	110			219.5			131.1
TOTAL PRODUCERS	240		3, 11				
AMBL. ON							
AMBL. ON			1				1.4
AMBL. ON			1				1.4
TOTAL	13, 54		1, 5, 5				4.8
TOTAL							
TOTAL							

[illegible]

# EXHIBIT C DIAGRAMS

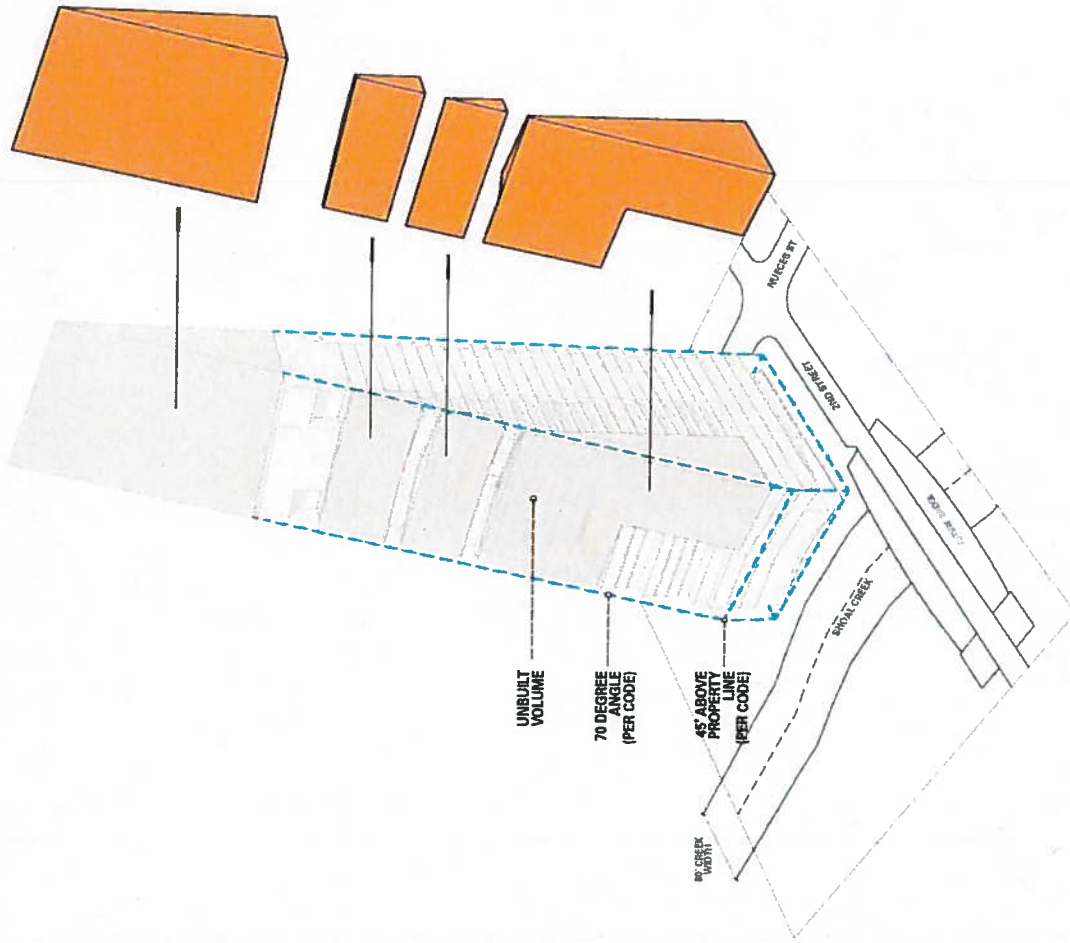


**1** MAX BUILDABLE VOLUME

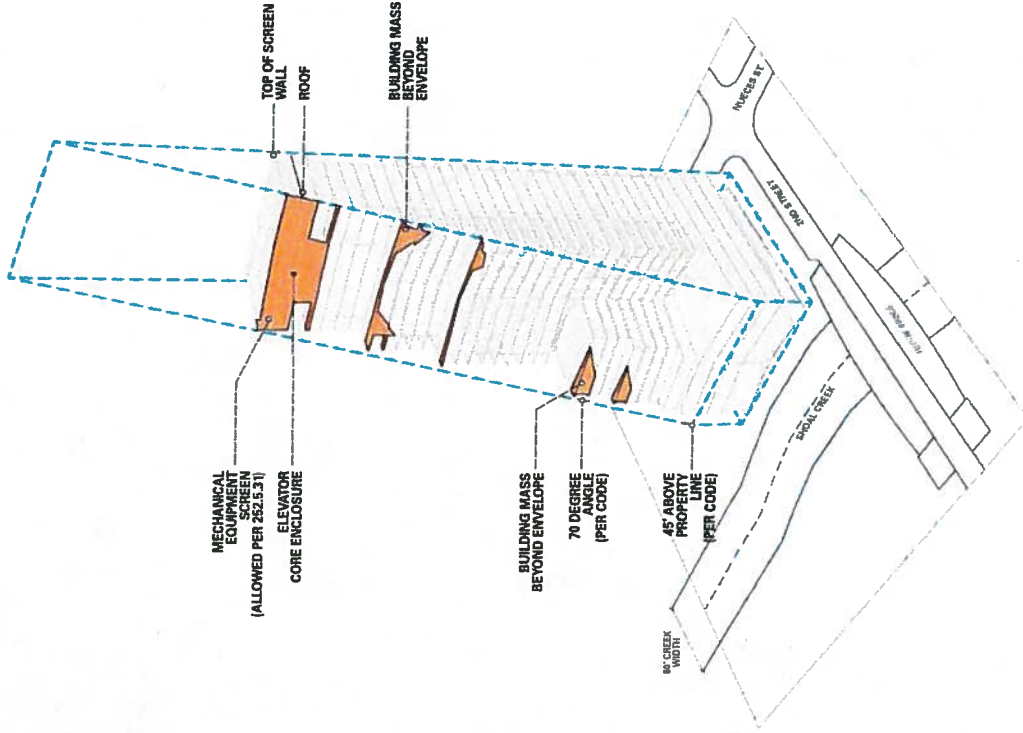


**2** PROJECT DESIGN WITH BUILDABLE VOLUME

# EXHIBIT C DIAGRAMS



**3** UNBUILT VOLUME



**4** VARIANCE REQUEST



**JONES CARTER**  
10000 N. DALLAS STREET, SUITE 100  
DALLAS, TEXAS 75243  
PHONE: 214.444.4444  
FAX: 214.444.4444  
WWW.JONES-CARTER.COM

**SITE PLAN**

BLOCK 188  
300 N. DALLAS STREET

10000 N. DALLAS STREET, SUITE 100  
DALLAS, TEXAS 75243  
PROJECT NO. 10000 N. DALLAS STREET, SUITE 100  
SUBMITTER: JONES CARTER

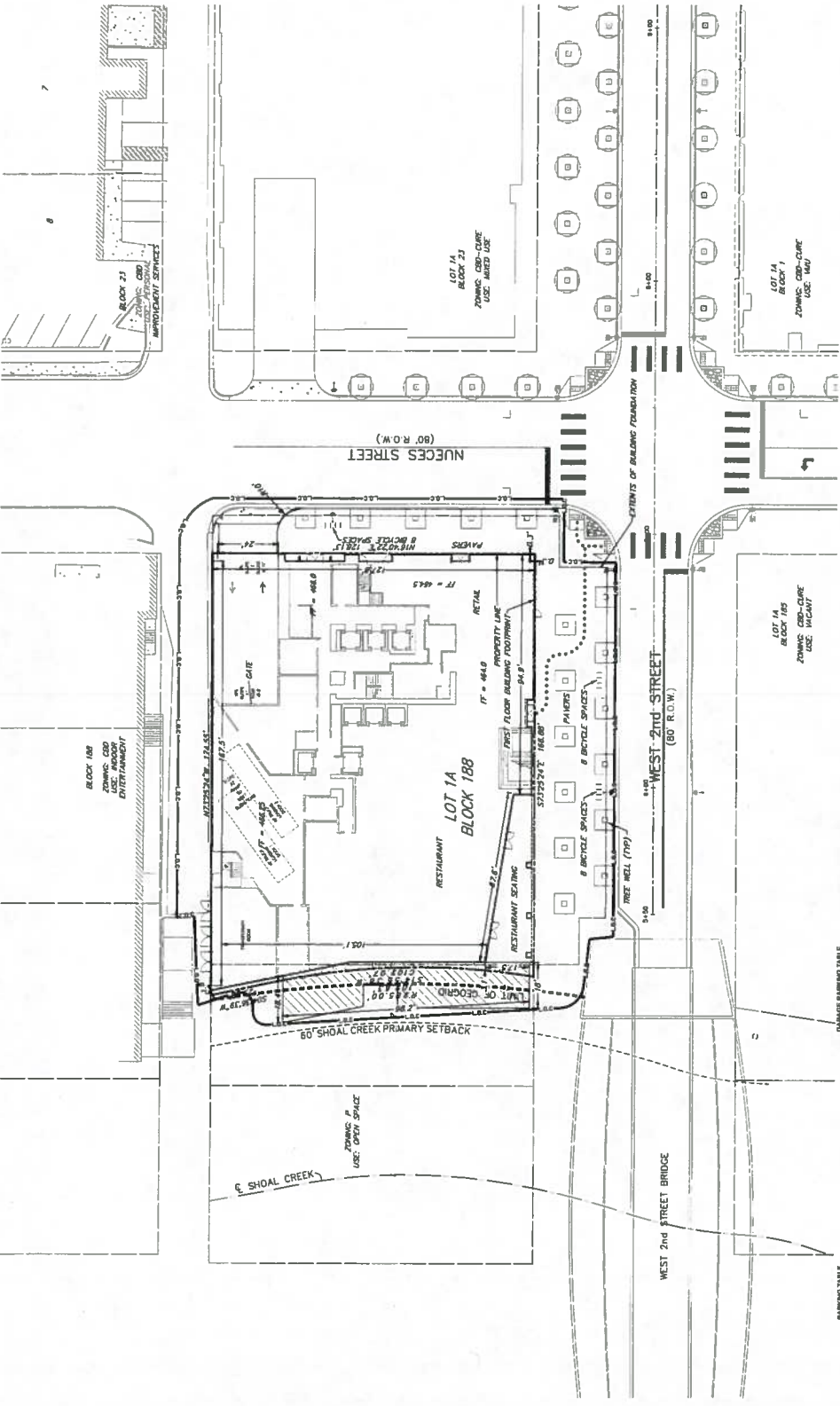
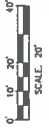
NO.	DATE	REVISION
1	08/17/14	ISSUED FOR PERMIT

**EXISTING LEGEND**

- PIPE (FORWARD) / DATE VALUE
- WASTEWATER W/ MANHOLE
- STORM SEWER W/ MANHOLE
- OVERHEAD ELECTRIC W/ POLE
- AIRLINE (FORWARD) / DATE VALUE
- PROPERTY LINE
- GROUND CONTOUR
- SPOT ELEVATION

**PROPOSED LEGEND**

- PIPE (FORWARD) / DATE VALUE
- WASTEWATER W/ MANHOLE
- STORM SEWER W/ MANHOLE
- OVERHEAD ELECTRIC W/ POLE
- AIRLINE (FORWARD) / DATE VALUE
- PROPERTY LINE
- GROUND CONTOUR
- SPOT ELEVATION



**Garage Parking Table**

Garage Type	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
Garage Type	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

**Building Data Table**

Building Name	Address	City	State	Zip	Phone	Fax	Website	Owner	Developer	Architect	Engineer	Contractor	Start Date	Completion Date	Current Status
Block 188	300 N. Dallas Street	Dallas	Texas	75243	214.444.4444	214.444.4444	www.jones-carter.com	Jones Carter	Jones Carter	Jones Carter	Jones Carter	Jones Carter	08/17/14	08/17/14	Issued for Permit

**Parking Table**

Category	Units	Floor	60%	70%	80%	90%	100%
MULTIFAMILY	32	12.27	48	58	68	78	88
1 BEDROOM (1.5 SPACES)	32	12.27	48	58	68	78	88
2 BEDROOM (2.5 SPACES)	32	12.27	48	58	68	78	88
3 BEDROOM (3.5 SPACES)	32	12.27	48	58	68	78	88
TOTAL COVERAGE	116	3.11	131	151	171	191	211
COMMERCIAL	240	3.11	270	320	370	420	470
OFFICE (1.5 SPACES)	240	3.11	270	320	370	420	470
RETAIL (1.5 SPACES)	240	3.11	270	320	370	420	470
RESTAURANT (1.5 SPACES)	240	3.11	270	320	370	420	470
TOTAL COVERAGE	116	3.11	131	151	171	191	211

**BENCHMARK 1A**  
TEMPORARY BENCHMARK FOR THIS SURVEY IS A 10' CHECKED ON TOP BACK OF CURB 1' / 1.3 FEET SOUTHEAST OF THE NORTHEAST CORNER OF LOT 1A, BLOCK 188, SAN ANTONIO STREET AS SHOWN ON SURVEY (ELEVATION=44.83) (NAD 83 DATUM)

**BENCHMARK 2J**  
TEMPORARY BENCHMARK FOR THIS SURVEY IS A 10' CHECKED ON TOP BACK OF CURB 1' / 1.3 FEET SOUTHEAST OF THE NORTHEAST CORNER OF LOT 1A, BLOCK 188, SAN ANTONIO STREET AS SHOWN ON SURVEY (ELEVATION=44.83) (NAD 83 DATUM)

**2002 PROJECTS BY INDUSTRY**

**ARCHITECTS**  
**HANDEL ARCHITECTS LLP**  
718 MARKET ST. 2ND FLOOR, SAN FRANCISCO, CA 94102  
415-469-2266

[illegible]

ELEVATION -  
NORTH AND WEST  
A2.02





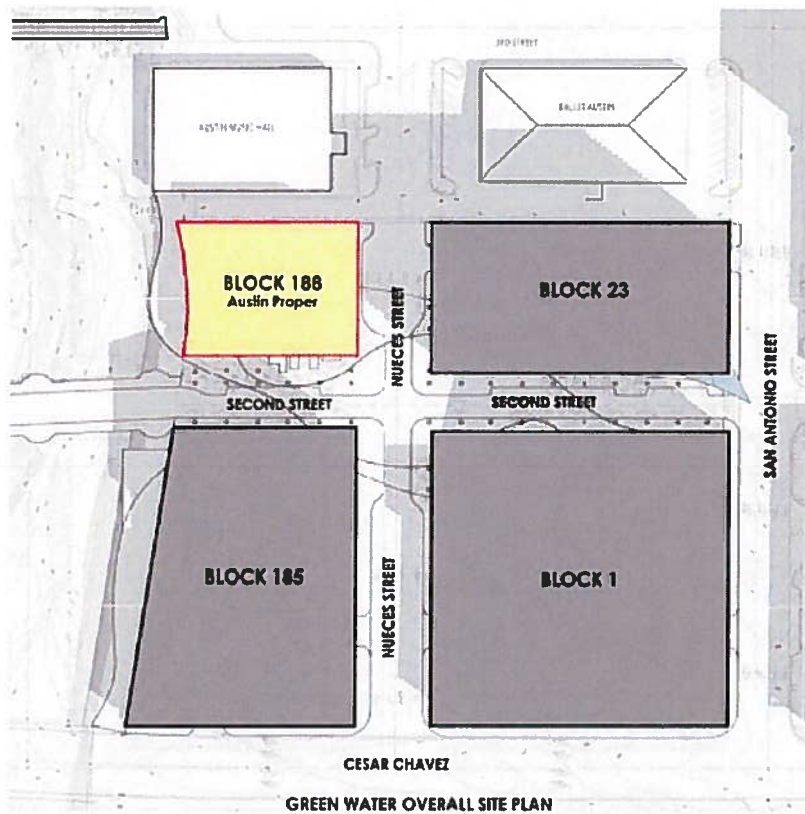


EXHIBIT C

# BLOCK 188

KOR | HANDEL ARCHITECTS LLP

GREEN WATER REDEVELOPMENT  
OVERALL SITE PLAN





VIEW FROM ACROSS SHOAL CREEK - LOOKING NE

BLOCK 188, AUSTIN , TX | SEPT. 17, 2015

HANDEL ARCHITECTS LLP | **KOR**

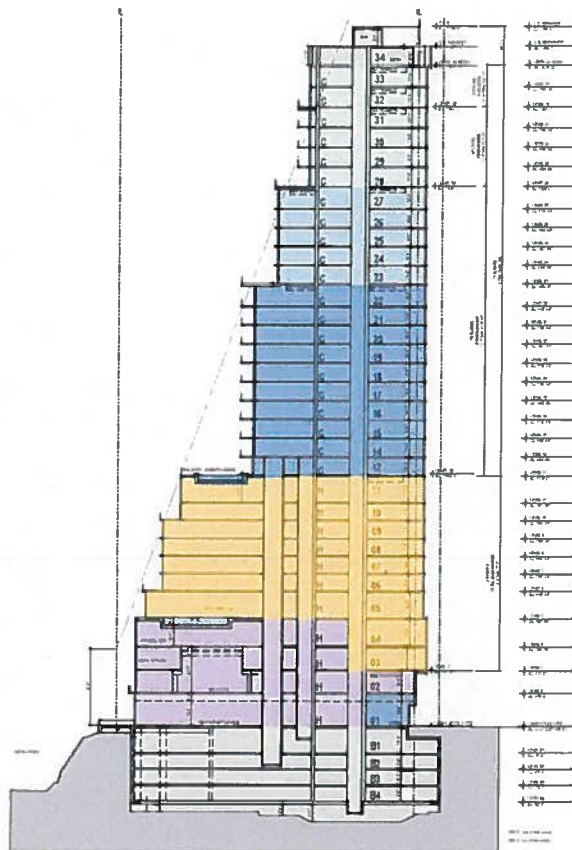


AERIAL VIEW

BLOCK 188, AUSTIN , TX | SEPT. 17, 2015

HANDEL ARCHITECTS LLP | **KOR**

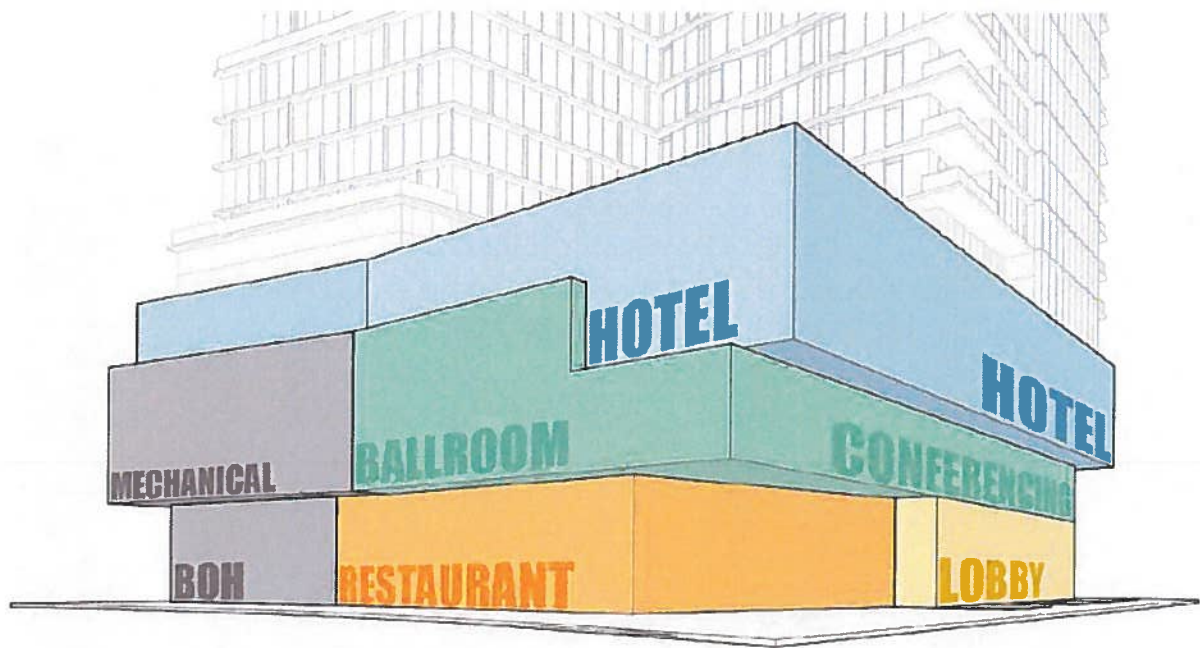
- CONDO - PENTHOUSE UNITS
- CONDO - 5-UNIT PLAN
- CONDO - 6-UNIT PLAN
- HOTEL
- HOTEL AMENITY/RESTAURANT
- MECH./PARKING



BUILDING SECTION

BLOCK 188, AUSTIN , TX | SEPT. 17, 2015

HANDEL ARCHITECTS LLP | **KOR**





PODIUM - SW - RESTAURANT

BLOCK 188, AUSTIN , TX | SEPT. 17, 2015

HANDEL ARCHITECTS LLP | KOR



PODIUM - SOUTH - RESTAURANT & HOTEL ENTRY

BLOCK 188, AUSTIN , TX | SEPT. 17, 2015

HANDEL ARCHITECTS LLP | **KOR**



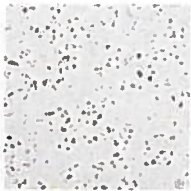
PODIUM - SE - HOTEL & CAFE

BLOCK 188, AUSTIN , TX | SEPT. 17, 2015

HANDEL ARCHITECTS LLP | **KOR**



GL-01 (OPTIGRAY)  
WINDOW WALL & STORE-  
FRONT GLASS



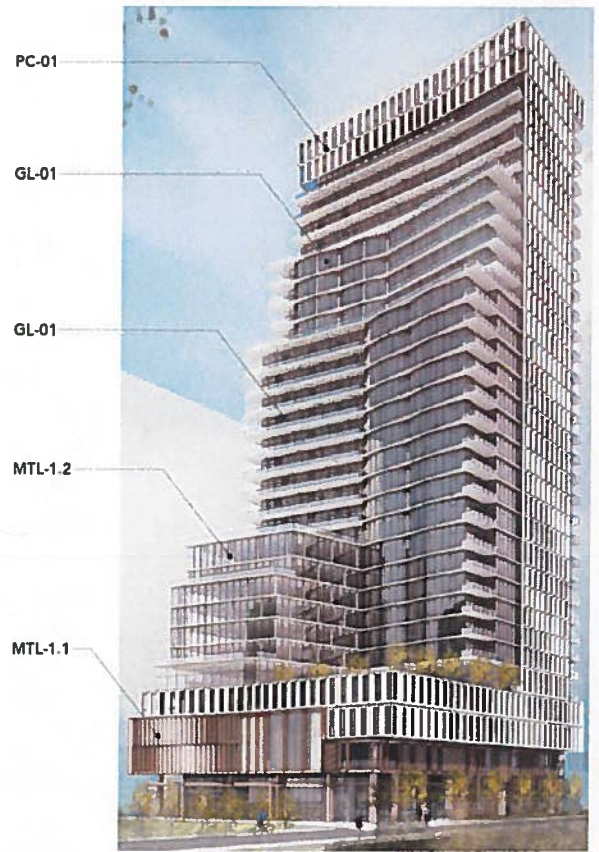
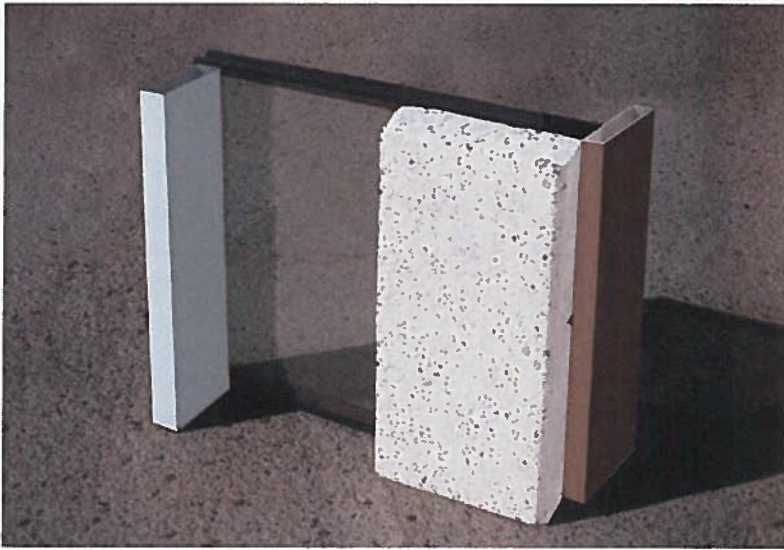
PC-01 (OFF WHITE)  
PRECAST CONCRETE



MTL-1.1 (DRIFTWOOD MICA)  
WINDOW WALL & STORE-  
FRONT MULLIONS



MTL-1.2 (ICE SILVER)  
WINDOW WALL FINS

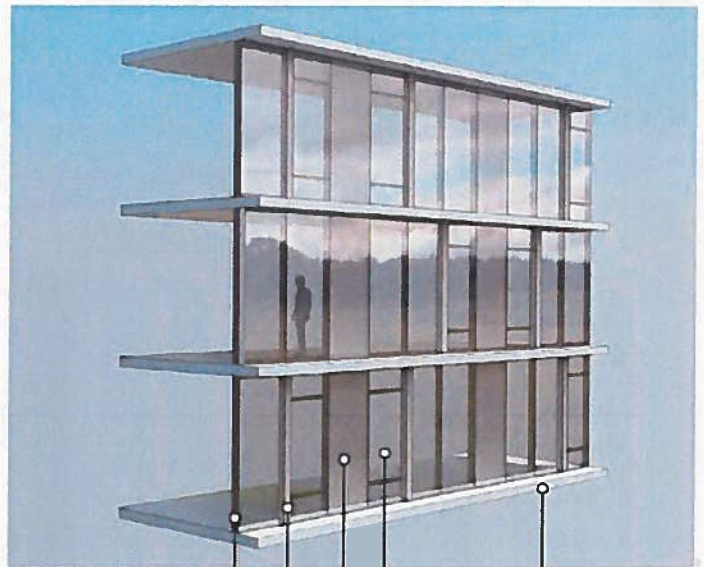




**WT-01**

MTL-1 MTL-2 GL-2 GL-1

CIP-1



**WT-03**

MTL-1 MTL-2 GL-2 GL-1

CIP-1



VIEW FROM NUECES - LOOKING NW

BLOCK 188, AUSTIN , TX | SEPT. 17, 2015

HANDEL ARCHITECTS LLP | **KOR**

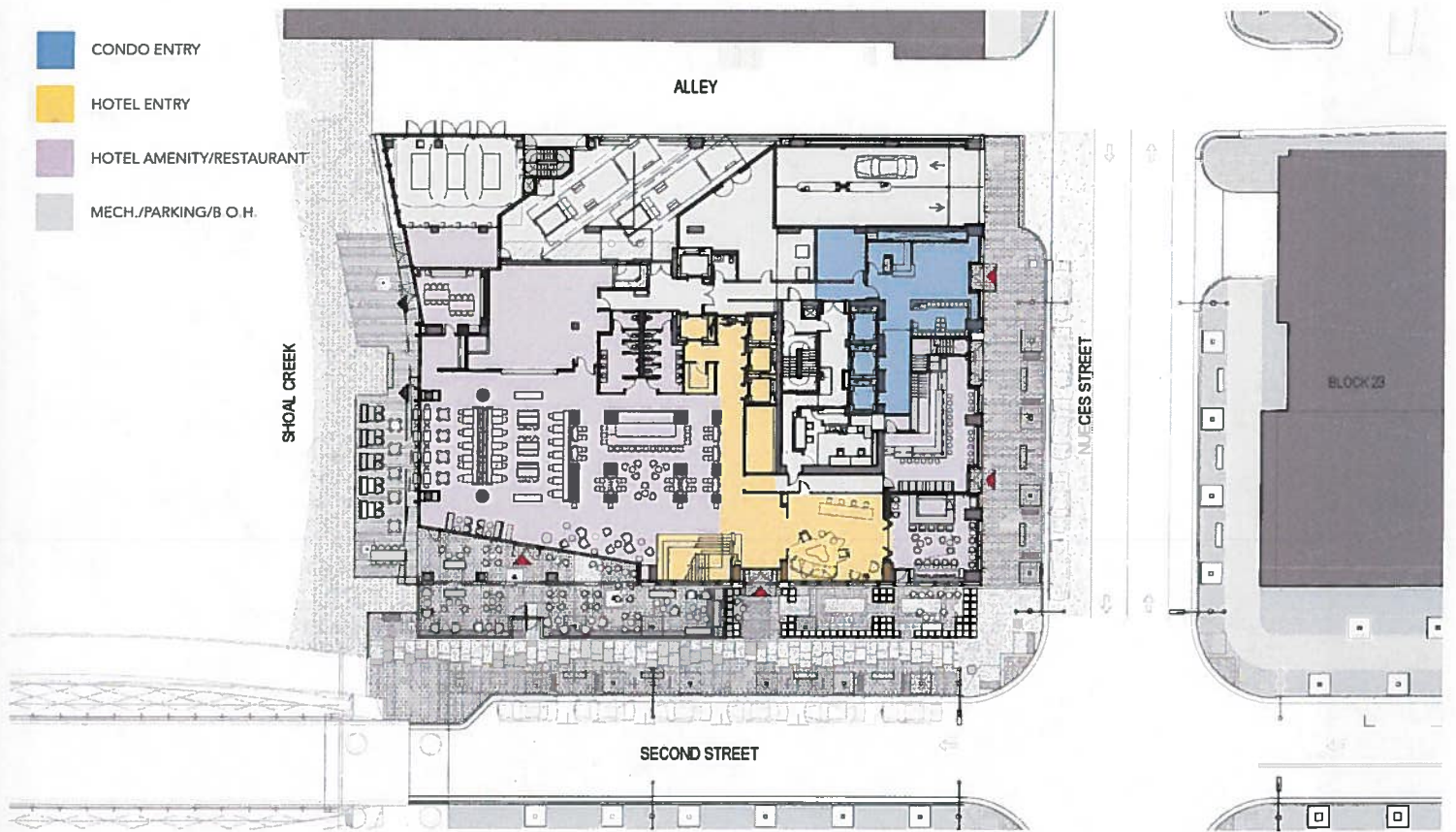


FACADE CONCEPT

BLOCK 188, AUSTIN , TX | SEPT. 17, 2015

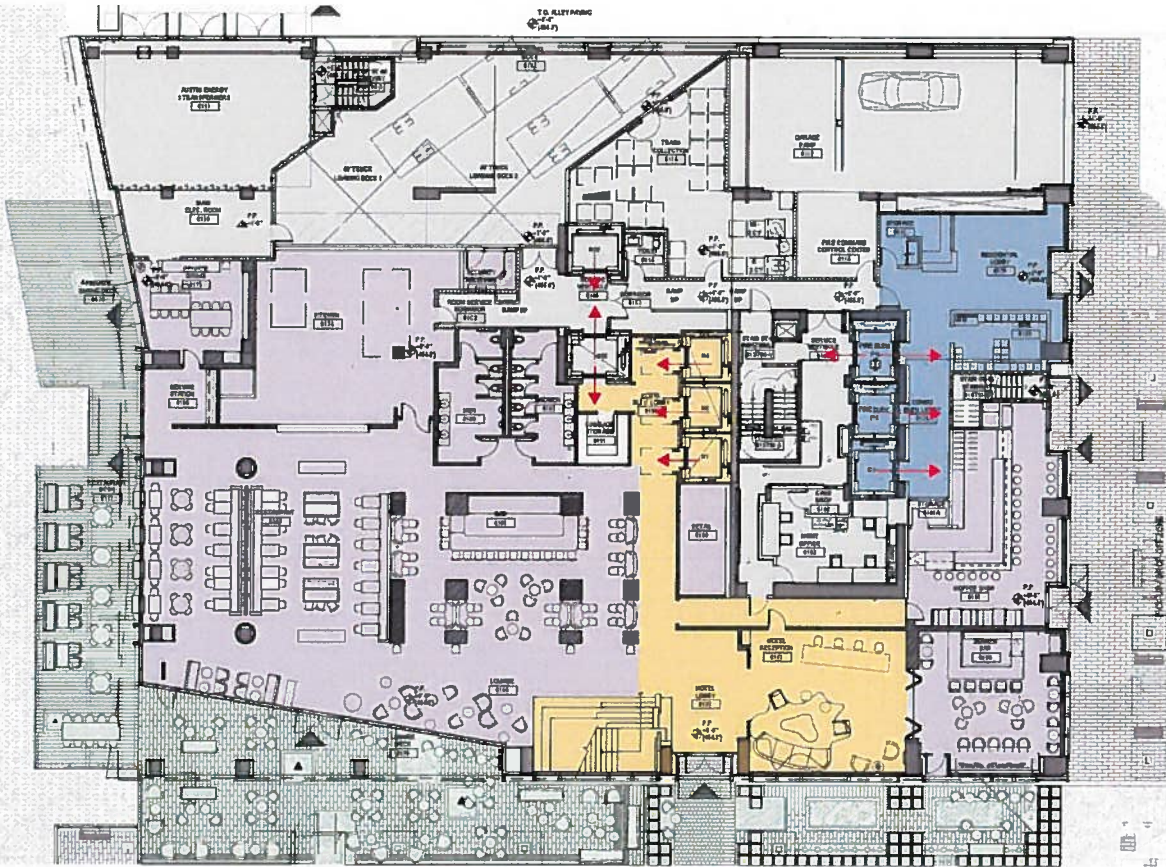
HANDEL ARCHITECTS LLP | **KOR**

- CONDO ENTRY
- HOTEL ENTRY
- HOTEL AMENITY/RESTAURANT
- MECH./PARKING/B.O.H.



SHOAL CREEK

NUECES STREET



FLOOR PLAN - LEVEL 1

BLOCK 188, AUSTIN, TX | SEPT. 17, 2015

HANDEL ARCHITECTS LLP | KOR





private dining deck

restaurant deck

public overlook

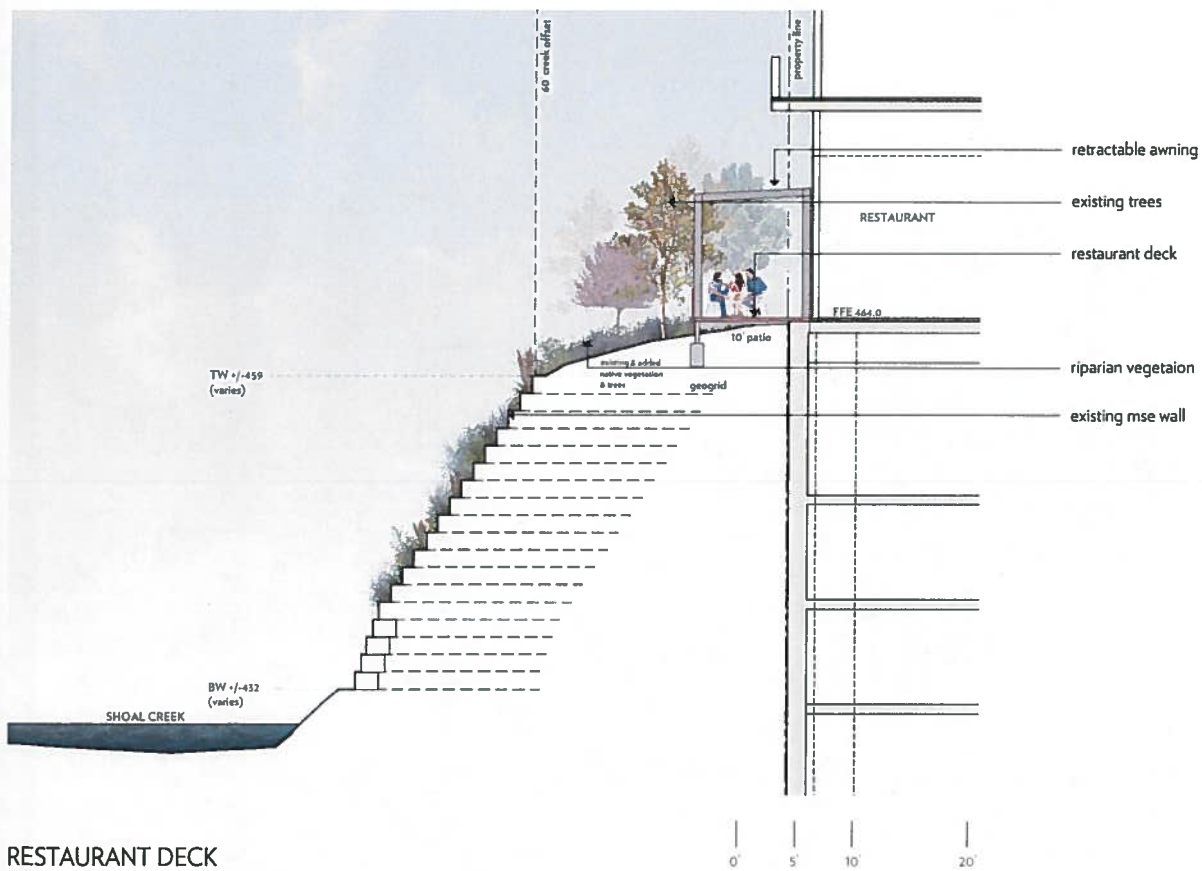
restaurant entrance

outdoor dining

screen wall

OUTDOOR DINING

0' 5' 10' 20'

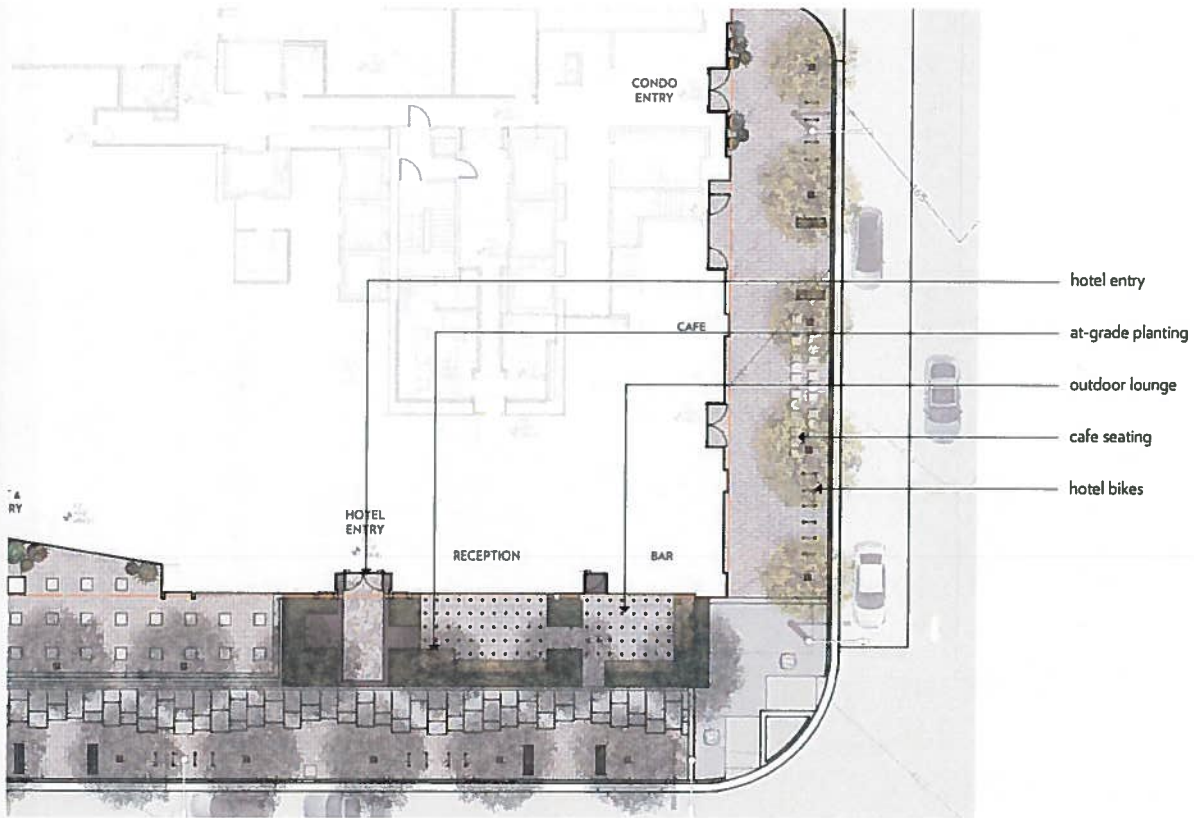




PUBLIC OVERLOOK



OUTDOOR DINING



HOTEL & COFFEE SHOP



HOTEL ENTRY



PODIUM - SE - HOTEL, CAFE & CONDO ENTRY

BLOCK 188, AUSTIN , TX | SEPT. 17, 2015

HANDEL ARCHITECTS LLP | **KOR.**



AERIAL VIEW

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An architectural rendering of a modern, multi-story building with a glass and metal facade, featuring a stepped design and a prominent corner. The building is set against a hazy, urban background with other skyscrapers visible in the distance. In the foreground, there are trees and a paved area with a few small figures of people, suggesting a park or plaza setting.

# BLOCK 188

## THANK YOU

**KOR** | HANDEL ARCHITECTS LLP